

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 794\***

**House Bill No. 893**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting the amendatory language in Section 4 of the printed bill and substituting the following:

(c)(1) The attorney general and reporter may bring an action in the name of the state to restrain by temporary restraining order, temporary injunction, or permanent injunction any violation of this act; to obtain a civil penalty in an amount not to exceed one thousand dollars (\$1,000) per violation; and to obtain restitution for any person who has suffered an ascertainable loss by reason of the violation of this act. The attorney general and reporter shall be entitled to be reimbursed for the reasonable costs and expenses of investigation and prosecution of acts under this part, including, but not limited to, reasonable attorney fees as well as expert and other witness fees. Provided, however, that the attorney general and reporter shall bring an action against a person for violating the prohibitions against directly or indirectly soliciting clients, as set forth in §§ 23-03-101 and 103(a), upon investigation and referral by the Board of Professional Responsibility. Such an action may also be brought by the district attorney general of the county in which the prohibited solicitation occurred.

(2) The action may be brought in a court of competent jurisdiction (a) in the county where the alleged violation took place or is about to take place; (b) in the county in which the defendant resides, has a principal place of business; conducts, transacts, or has conducted business; or (c) if the defendant cannot be found in any of the above locations, in the county in which the defendant can be found.

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(3) The courts are authorized to issue orders and injunctions to restrain, prevent and remedy violations of this act, and such orders and injunctions shall be issued without bond.

(4) Any knowing violation of the terms of an injunction or order issued pursuant to this part shall be punishable by a civil penalty of not more than two thousand dollars (\$2,000) per violation, in addition to any other appropriate relief.

AND FURTHER AMEND by adding the following as a new, appropriately numbered Section 5 immediately before the existing Section 5 and renumbering the current Section 5 accordingly:

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.